



General Assembly

Substitute Bill No. 5231

February Session, 2010

* ____HB05231PD____033110____ *

AN ACT CONCERNING THE SALE OF WINE AT FARMERS' MARKETS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-16 of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) A manufacturer permit shall allow the manufacture of alcoholic
5 liquor and the storage, bottling and wholesale distribution and sale of
6 alcoholic liquor manufactured or bottled to permittees in this state and
7 without the state as may be permitted by law; but no such permit shall
8 be granted unless the place or the plan of the place of manufacture has
9 received the approval of the Department of Consumer Protection. A
10 holder of a manufacturer permit may apply for and shall receive an
11 out-of-state shipper's permit for manufacturing plants and warehouse
12 locations outside the state owned by such manufacturer or a
13 subsidiary corporation thereof, at least eighty-five per cent of the
14 voting stock of which is owned by such manufacturer, to bring into
15 any of its plants or warehouses in the state alcoholic liquors for
16 reprocessing, repackaging, reshipment or sale either (1) within the
17 state to wholesaler permittees not owned or controlled by such
18 manufacturer, or (2) outside the state. A holder of a manufacturer
19 permit, except a manufacturer permit for cider, may apply for and

20 shall receive a wholesaler permit. The annual fee for a manufacturer
21 permit shall be one thousand eight hundred fifty dollars.

22 (b) A manufacturer permit for beer shall be in all respects the same
23 as a manufacturer permit, except that the scope of operations of the
24 holder shall be limited to beer, but shall permit the storage of beer in
25 any part of the state. Such permit shall also authorize the offering and
26 tasting, on the premises of the permittee, of free samples of beer
27 brewed on such premises and the selling at retail from the premises of
28 sealed bottles or other sealed containers of such beer for consumption
29 off the premises. The offering and tasting shall be limited to visitors
30 who have attended a tour of the premises of the permittee. Such selling
31 at retail from the premises of sealed bottles or other sealed containers
32 shall comply with the provisions of subsection (d) of section 30-91 and
33 shall permit not more than eight liters of beer to be sold to any person
34 on any day on which such sale is authorized under the provisions of
35 subsection (d) of section 30-91. The annual fee for a manufacturer
36 permit for beer shall be one thousand dollars.

37 (c) A manufacturer permit for cider not exceeding six per cent
38 alcohol by volume and apple wine not exceeding fifteen per cent
39 alcohol by volume shall allow (1) the manufacture, storage, bottling
40 and wholesale distribution and sale at retail of such cider and apple
41 wine to permittees and nonpermittees in this state as may be permitted
42 by law; but no such permit shall be issued unless the place or the plan
43 of the place of manufacture has received the approval of the
44 department; and (2) the sale and shipment by the holder of such
45 permit of such cider and such apple wine to persons outside the state
46 and to consumers in this state in the same manner and subject to the
47 same conditions as such sale and shipment is permitted for wine by a
48 farm winery manufacturer permittee pursuant to subsection (e) of this
49 section. The annual fee for a manufacturer permit for cider shall be two
50 hundred dollars.

51 (d) A manufacturer permit for apple brandy and eau-de-vie shall be
52 in all respects the same as a manufacturer permit, except that the scope

53 of operations of the holder shall be limited to apple brandy or eau-de-
54 vie, or both. The annual fee for a manufacturer permit for apple
55 brandy and eau-de-vie shall be four hundred dollars.

56 (e) (1) A manufacturer permit for a farm winery shall be in all
57 respects the same as a manufacturer permit, except that the scope of
58 operations of the holder shall be limited to wine and brandies distilled
59 from grape products or other fruit products, including grappa and
60 eau-de-vie. As used in this section, "farm winery" means any place or
61 premises, located on a farm in the state in which wine is manufactured
62 and sold.

63 (2) Such permit shall, at the single principal premises of the farm
64 winery, authorize (A) the sale in bulk by the holder thereof from the
65 premises where the products are manufactured pursuant to such
66 permit; (B) as to a manufacturer who produces one hundred thousand
67 gallons of wine or less per year, the sale and shipment by the holder
68 thereof to a retailer of wine manufactured by the farm winery
69 permittee in the original sealed containers of not more than fifteen
70 gallons per container; (C) the sale and shipment by the holder thereof
71 of wine manufactured by the farm winery permittee to persons outside
72 the state; (D) the offering and tasting of free samples of such wine or
73 brandy to visitors and prospective retail customers for consumption on
74 the premises of the farm winery permittee; (E) the sale at retail from
75 the premises of sealed bottles or other sealed containers of such wine
76 or brandy for consumption off the premises; (F) the sale at retail from
77 the premises of wine or brandy by the glass and bottle to visitors on
78 the premises of the farm winery permittee for consumption on the
79 premises; and (G) subject to the provisions of subdivision (3) of this
80 subsection, the sale and delivery or shipment of wine manufactured by
81 the permittee directly to a consumer in this state. Notwithstanding the
82 provisions of subparagraphs (D), (E) and (F) of this subdivision, a
83 town may, by ordinance or zoning regulation, prohibit any such
84 offering, tasting or selling at retail at premises within such town for
85 which a manufacturer permit for a farm winery has been issued.

86 (3) A permittee, when selling and shipping wine directly to a
87 consumer in this state, shall: (A) Ensure that the shipping labels on all
88 containers of wine shipped directly to a consumer in this state
89 conspicuously state the following: "CONTAINS ALCOHOL—
90 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
91 DELIVERY"; (B) obtain the signature of a person age twenty-one or
92 older at the address prior to delivery, after requiring the signer to
93 demonstrate that he or she is age twenty-one or older by providing a
94 valid motor vehicle operator's license or a valid identity card described
95 in section 1-1h; (C) not ship more than five gallons of wine in any two-
96 month period to any person in this state; (D) pay, to the Department of
97 Revenue Services, all sales taxes and alcoholic beverage taxes due
98 under chapters 219 and 220 on sales of wine to consumers in this state,
99 and file, with said department, all sales tax returns and alcoholic
100 beverage tax returns relating to such sales; (E) report to the
101 Department of Consumer Protection a separate and complete record of
102 all sales and shipments to consumers in the state, on a ledger sheet or
103 similar form which readily presents a chronological account of such
104 permittee's dealings with each such consumer; (F) not ship to any
105 address in the state where the sale of alcoholic liquor is prohibited by
106 local option pursuant to section 30-9; and (G) hold an in-state
107 transporter's permit pursuant to section 30-19f or make any such
108 shipment through the use of a person who holds such an in-state
109 transporter's permit.

110 (4) No licensed farm winery may sell any such wine or brandy not
111 manufactured by such winery, except a licensed farm winery may sell
112 from the premises wine manufactured by another farm winery located
113 in this state.

114 (5) The farm winery permittee shall grow on the premises of the
115 farm winery or on property under the same ownership and control of
116 said permittee or leased by the backer of a farm winery permit or by
117 said permittee within the farm winery's principal state an average crop
118 of fruit equal to not less than twenty-five per cent of the fruit used in
119 the manufacture of the farm winery permittee's wine. An average crop

120 shall be defined each year as the average yield of the farm winery
121 permittee's two largest annual crops out of the preceding five years,
122 except that during the first seven years from the date of issuance of a
123 farm winery permit, an average crop shall be defined as three tons of
124 grapes for each acre of vineyard farmed by the farm winery permittee.
125 In the event the farm winery consists of more than one property, the
126 aggregate acreage of the farm winery shall not be less than five acres.

127 (6) A holder of a manufacturer permit for a farm winery, when
128 advertising or offering wine for direct shipment to a consumer in this
129 state via the Internet or any other on-line computer network, shall
130 clearly and conspicuously state such liquor permit number in its
131 advertising.

132 (7) The annual fee for a manufacturer permit for a farm winery shall
133 be three hundred dollars.

134 (8) A farmer's market wine sales permit shall allow the holder of a
135 manufacturer permit for a farm winery issued pursuant to this
136 subsection to sell wine manufactured on such permit holder's premises
137 at a farmers' market, as defined in section 22-6r, subject to all
138 applicable municipal zoning, health and public safety ordinances or
139 regulations. The holder of a farmer's market wine sales permit, or such
140 holder's duly authorized representative, may only sell such wine in
141 sealed bottles directly to consumers at a farmers' market. Such permit
142 shall be valid for one year for an unlimited number of farmers' market
143 appearances at not more than three farmer's market locations during
144 such one year period. A municipality may by ordinance or zoning
145 regulation prohibit the sale of wine at any farmers' market located in
146 such municipality. The annual fee for such permit shall be two
147 hundred fifty dollars.

148 (f) A manufacturer permit for a brew pub shall allow: (1) The
149 manufacture, storage and bottling of beer, (2) the retail sale of alcoholic
150 liquor to be consumed on the premises with or without the sale of
151 food, (3) the selling at retail from the premises of sealed bottles or

152 other sealed containers of beer brewed on such premises for
 153 consumption off the premises, and (4) the sale of sealed bottles or other
 154 sealed containers of beer brewed on such premises to the holder of a
 155 wholesaler permit issued pursuant to subsection (b) of section 30-17,
 156 provided that the holder of a manufacturer permit for a brew pub
 157 produces at least five thousand gallons of beer on the premises
 158 annually. Such selling at retail from the premises of sealed bottles or
 159 other sealed containers shall comply with the provisions of subsection
 160 (d) of section 30-91 and shall permit not more than eight liters of beer
 161 to be sold to any person on any day on which such sale is authorized
 162 under the provisions of subsection (d) of section 30-91. The annual fee
 163 for a manufacturer permit for a brew pub shall be three hundred
 164 dollars.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	30-16
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GL *Joint Favorable Subst.*

PD *Joint Favorable*